

REMARKS

Claims 52-56, 58-69, 71, 72, 75 and 76 are currently pending. Claims 57, 70, 73 and 74 have been canceled. Claims 52 and 64 are independent.

Rejection Under 35 U.S.C. § 112

Claims 57, 60-61, 70, 73 and 74 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Regarding claim 60, the claims have been amended such that claim 60 further limits the base claim (claim 52).

Regarding claim 61, the claims have been amended such that claim 61 further limits the base claim (claim 52).

Regarding claims 57, 70, 73 and 74, these claims have been canceled, thereby rendering their objection moot.

Rejection Under 35 U.S.C. § 102(b)

Claims 52, 53, 55-66 and 68-76 are rejected under 35 U.S.C. § 102(b) as being anticipated by Palmer U.S. Patent No. 6,039,150 ("Palmer").

The present invention provides a suspended scaffolding system for attachment to a building under construction. Conventional scaffolding systems utilize support brackets that block access to portions of the building's infrastructure such that certain jobs (e.g., the installation of freeze blocks) cannot be completed until the scaffolding system is disassembled. Referring to Figure 1, scaffolding bracket 10 comprises horizontal support 20 having first and second ends 25, 30, vertical support 40 and vertical safety post 235. Vertical support 40 includes

a bottom end that is attached to first end 25 of horizontal support 20, whereas vertical safety post 235 includes a bottom end that is attached to second end 30 of horizontal support 20. Scaffolding bracket 10 further comprises anchor assembly 70 attached to the top end of vertical support 40, the anchor assembly 70 comprising vertical plate 80 and horizontal plate 75. Horizontal plate 75 extends from the top end of vertical support 40 toward vertical safety post 235.

As depicted in Figures 3 and 6, anchor assembly 70 is adapted to be attached to crossbeam 95 such that the vertical plate 80 is in contact with inside surface 100 of crossbeam 95 and horizontal plate 75 is in contact with a portion of top surface 105 of crossbeam 95. Advantageously, a leading edge 108 of top surface 105 of crossbeam 95 is unobstructed by scaffolding bracket 10 and, therefore, remains accessible so that certain jobs can be completed without removing the bracket 10. For example, freeze blocks 120 are typically installed in contact with leading edge 108 of crossbeam 95 in between roofing rafters 125. Since anchor assembly 70 permits access to leading edge 108, installation of freeze blocks 120 may be conveniently accomplished without removing the scaffolding bracket.

In contrast to the scaffolding bracket of the present invention, Palmer teaches a guard rail scaffold assembly comprising guard rail assembly members fastened on or around a structure surface to be guarded. The guard rail scaffold assembly is fastened either solely to the guarded structure surface, or solely to a wall surface, depending upon the type of structure and/or the choice of the installer. The scaffold assembly comprises a plurality of transversely spaced vertically extending guard rail assembly members 12, a plurality of elongated horizontally extending guard rails 14 extending between and supported by a respective pair of immediately adjacent guard rail assembly members 12, and a plurality of fastener pads 20.

Referring to Figure 3, the guard rail scaffold assembly is adapted to be mounted to a high power electric transformer 10 such that maintenance personnel can move about on its top surface. As depicted, the scaffold assembly is mounted directly on horizontal roof surface 16, wherein fastener pads 20 are fastened to the roof surface using an adhesive and/or fastenings 68. Guard rail retainer members 60 are adapted to receive wood guard rails 14.

Palmer does not disclose the elements of independent claims 52 and 64, particularly as amended. Claims 52 and 64 recite a suspended scaffolding bracket for a building under construction having one or more studs and crossbeams. As described above, Palmer's bracket is a guard rail assembly adapted to be mounted on top of a flat surface such as the top of a transformer box. As such, Palmer fails to provide any disclosure that would indicate that the guard rail assembly is capable of being mounted to a building as part of a "suspended" scaffolding assembly. By contrast, Palmer's guard rail assembly forms a rooftop enclosure rather than a suspended scaffolding assembly.

Claim 52 has been amended to more particularly recite the invention. Specifically, claim 52 has been amended to recite: (1) a vertical safety post having a top end and a bottom end, wherein the bottom end is attached to the second end of the horizontal support; and (2) an anchor assembly attached to the top end of the vertical support, the anchor assembly comprising a vertical plate, and a horizontal plate that extends from the top end of the vertical support toward the vertical safety post. By contrast, Palmer's guard rail assembly comprises horizontal support 28 having a vertical safety post 56 attached at one end, but does not include a vertical post attached at the other end, as required by claim 52. In other words, Palmer clearly does not provide a horizontal safety post having a vertical post attached to one end and a safety post attached to the other end. Furthermore, Palmer does not disclose an anchor assembly attached to

the vertical support, the anchor assembly comprising a vertical plate, and a horizontal plate that extends from the top end of the vertical support toward the vertical safety post.

Claim 64 has been amended to recite a substantially T-shaped anchor assembly attached to the top end of the vertical support, the T-shaped anchor assembly comprising a vertical plate and a horizontal plate. The Office Action refers to elements 60 and 82 as providing an anchor assembly as recited in the claims. However, according to Palmer, element 60 is a guard rail retaining member that is fastened to the post using sleeve 82. Moreover, elements 60 and 82 are not T-shaped as required by amended claim 64. Furthermore, elements 60 and 82 are not adapted to make contact with top and inside surfaces, respectively, of a crossbeam of the building under, as required by many of the claims that depend from claim 64. Instead, elements 60 and 82 are used to retain guard rails 14.

In view of the above, Applicant respectfully submits that claims 52 and 64 (and claims 53-56, 58-63, 65-69, 71, 72, 75 and 76, which depend therefrom) are not anticipated by Palmer.

Double Patenting Rejection

Claims 52-76 are rejected under the judicially created doctrine of double patenting over claims 1-25 of commonly owned U.S. Patent No. 6,039,150.

Applicant hereby submits a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome the double patenting rejection.

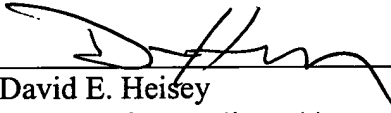
Conclusion

It is respectfully submitted that the application is currently in condition for allowance. The Examiner is invited to telephone the undersigned to discuss any remaining issues. The Commissioner is hereby authorized in this and concurrent replies to charge payment (or credit any overpayment) to Deposit Account No. 50-2298 for any additional fees required under 37 CFR 1.16 or 1.17.

Respectfully submitted,

Date

11/11/2004


David E. Heisey

Attorney for Applicant(s)

Reg. No. 42,651

c/o

LUCE, FORWARD, HAMILTON
& SCRIPPS

11988 El Camino Real, Ste. 200

San Diego, California 92130

Telephone No.: (858) 720-6300